

Remarks

In the First Office Action, claims 1-4 were rejected under 35 USC § 102(b) as being anticipated by U.S. Patent No. 5,874,698 (hereafter the 'Collis patent'), and claims 5 and 6 were rejected under 35 USC § 103(a) as being unpatentable over the Collis patent. By this amendment, the Applicant has made editorial changes on pages 3, 6 and 7 of the application to correct minor clerical errors, and claims 1-6 have been cancelled in favor of new claims 7-12.

For at least the following reasons, it is the Applicant's position that the claimed subject matter, as currently recited, is clearly patentable over the prior art, particularly the Collis patent. Therefore, the Applicant respectfully requests reconsideration and allowance of the pending claims.

First, independent claims 7 and 10 call for a gate having a main body portion with a slot and a threaded fastener, where the gate is adjustably supported on a section of a closure plate so that it can be moved between different blocking positions. While the Collis patent discloses a mechanical interlock assembly 10 that selectively controls the throw of a pair of adjacent switches 17 and 18, it neither discloses nor suggests the slot and threaded fastener arrangement called for in newly submitted claims 7-10. More particularly, the Collis patent teaches a more complex, multi-part assembly 10 that includes a bracket 14 enclosing an arm 15 having upper and lower sidewall portions 46, 48 which are holed to receive a vertical pin 24. Pin 24 is mounted for up and down sliding movement between two positions to block the throw of the two switches, and is biased by a coaxial spring 16 that urges arm 15 into a lower position (FIGS. 3-7). This is a much different arrangement than the slotted arrangement described in the present application and called for by the present claims.

Second, independent claim 7 calls for "...adjustably supporting said gate on said closure plate for movement between at least first and second fixed positions on said closure plate; wherein said first position only allows *said external lever arm of said second circuit breaker to be cycled between said 'on' and 'off' positions...*" . The Collis

patent specifically teaches away from such an arrangement. For example, when the Applicant blocks the throw of the main in Fig. 4, the auxiliary handle 96 can be readily cycled between 'on' and 'off' positions as many times as may be needed for testing or repairing the distribution circuits. This can be particularly important when only auxiliary power is available. This is clearly not possible with the Collis construction since the toggle lever 25 of the auxiliary switch holds flange portion 56 in the upper position, which blocks the main switch. Accordingly, if auxiliary lever 25 is moved to the 'off' position, spring 16 automatically moves arm 15 to a lower position where the auxiliary switch cannot be energized. Such construction is just one illustration of the straightforward beauty and inventiveness of the Applicant's invention.

Third, independent claim 10 calls for movement of the control gate between at least three positions including "... a third position where said blocker end portion prevents both the primary and auxiliary circuit breakers from being moved to 'on' positions." For reasons similar to those explained above, the spring loaded nature of the device in the Collis patent clearly prohibits it from being able to assume the claimed position. Stated differently, because of spring loaded pin 24 the device taught in Collis is unable to assume a position where it blocks the throw of *both switch 17 and switch 18*. This difference is also applicable to claim 8, which calls for "an intermediate position."

These unique features, as well as others, are set forth in applicant's new claims 7-12. In claim 7, for example, the Applicant's gate is defined as "a flattened gate" that is being adjustably supported on the closure plate. In contrast, Collis's corresponding arm 15 has extending side wall portions 46-48 holed to slidably mount the gate on the pin 24.

Moreover, applicant's gate of claim 7 is adjustably mounted by a slot and threaded fastener on the cover plate. This is certainly an innovative structure as compared to the mounting of Collis corresponding gate or arm 15. Collis's mounting requires the relatively complex multi-part interlock assembly 10 comprising the box like bracket 14, the flanged and stepped arm 15, pin 24 and captured spring 16.

Claim 9 depends from claim 7 and further defines Applicant's new and improved

gate with its slotted track and track follower connection fully eliminating the complexity of Collis mechanical interlock assembly such as illustrated in Fig. 1.

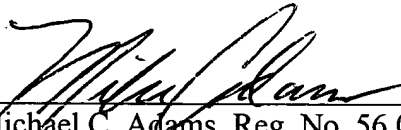
Claim 11 recites the new and improved step of moving the auxiliary handle to a deenergized position while maintaining the block of the first circuit breaker handle.

Claim 12 is clearly patentable over the prior art with the new and unobvious step of moving blocker gate 16 to the intermediate position where both main and auxiliary breaker handles are simultaneously blocked from movement to their panel energizing position.

For at least the reasons set forth above, it is respectfully submitted that the Applicant's newly submitted claims 7-12 recite new and non-obvious subject matter. Accordingly, it is submitted that Applicant's claims merit allowance and such is respectfully requested.

The Commissioner is hereby authorized and respectfully requested to charge any deficiencies or credit any overpayments to our Deposit Account No. 50-0852.

Respectfully Submitted,



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